

# Exhibit B



**PRIVATE CONFIDENTIAL**

TO: Kemal Makasci  
Utah Valley University

FROM: Melissa L. Frost  
Director, Equal Opportunity and Affirmative Action

DATE: December 8, 2016

SUBJECT: Discrimination and Retaliation Complaint

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The Office of Equal Opportunity and Affirmative Action has received multiple complaints of sex/gender discrimination and retaliation against you alleging violations of UVU Policy #162. The complaints name you as the Respondent and this email serves to notify you of the specific allegations.

I have assigned, Johnny McCoy and Jed Gibson, EEO/Title XI investigators, as the investigators in this matter. This memo is to notify you of the specific allegations of discrimination and retaliation included on page two (2) and three (3).

You will be afforded a full opportunity to respond to the allegations, both in written form and through interviews. Your first response should be in writing (it may be sent to our office through campus mail, email, fax, or hand delivery) and is due within three business days of this notice; which would be by, **Tuesday, December 13, 2016**. It would be helpful for you to include names of any witnesses and attach any documents that you feel are relevant to your position in your written response.

After your written response is reviewed and additional information is gathered, you will be contacted to arrange an interview to discuss follow-up questions and so that you may provide any additional information. This process can take several weeks.

Additionally, please be advised that retaliation against individuals who participate in a discrimination complaint and/or investigation is strictly prohibited. Retaliation is intimidation, threats of reprisal, or other materially adverse actions taken against an employee or student of the University, or threats of such materially adverse actions, made by persons employed by or affiliated with the University in any way or by persons participating in any university program or activity against anyone who in good faith opposes discrimination or harassment, reports or files a complaint of discrimination, or honestly participates or assists in a university-related investigation, hearing, or other proceeding relating to discrimination or harassment. Examples include but are not limited to, threats or actual violence against a person or their property, adverse educational or employment consequences, ridicule, intimidation, bullying, ostracism, or action that may have a "chill" or discouraging a person from making a complaint or participating

in an investigation. To avoid retaliation, it is imperative that at this time that you take no action that could be perceived as negative against or designed to discourage anyone from coming forward. **This includes discussing this allegation with others, asking students or employees if they have provided information, or discussing the Complaint with others.** If you believe you experience retaliation, please contact me immediately.

Matters involving policy violations that are unrelated to protected class discrimination that arise during the course of the investigation will be referred for appropriate action.

Please feel free to contact me if you have any questions. Thank you for your cooperation.

#### **Summary of Specific Allegations**

**The specific allegations are as follows:**

**That you have discriminated against several female students in your class based on their gender: specifically, by:**

1. Telling a male student to go up and help a female student with the computer and repeatedly stating that "boys are good with technology."
2. Ignoring female students when they ask questions
3. When a female answers a question in class, saying their answer is wrong, but when a male answers the same question, saying their answer is right
4. Refusing to provide feedback and assistance to female students on homework and class assignments.
5. Making comments to others stating "that females don't belong in the Physical Education field"
6. Making comments that "women belong in the kitchen cooking meals"

**That you have retaliated against several students in your class: specifically:**

1. That sometime during the first two weeks of the Fall 2016 semester you discussed Title XI with the entire class and stated that the students in the class didn't know the definition of Title XI and what it meant and discussing how two (2) students last semester hurt your feelings and made fun of you

2. That on 11/16/2016 you made the following statements to the entire PETE class:

- a. "You have been teaching this class for 14 years and that students will not get rid of you"
- b. You pointed out three students specifically [REDACTED] [REDACTED] and another female student] and said "they were trying to get rid of you, and stated that that these three female students shouldn't go around and talk to people in different departments about issues they have with you"
- c. You confirmed to the class that [REDACTED] and [REDACTED] have spoken with other departments by pointing them out to the class, and "saying threatening things" like "they are being prejudice because they went to explain their problems to Title XI and department head"